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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,808

12/29/2004

Katsuyuki Kitagawa

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12/08/2010

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

3633

NOTIFICATION DATE

DELIVERY MODE

12/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com

jarmstrong@oliff.com

Office Action Summary	Application No. 10/519,808	Applicant(s) KITAGAWA, KATSUYUKI	
	Examiner JAMES J. BUCKLE JR	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final office action in response to communications received on 9/17/2010. Claims 16 and 17 have been amended. Claims 27-30 have been added. Currently, claims 16-30 are pending and have been examined below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 16-17, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascoe (U.S. Patent No. 5,319,904) in view of Seitz (U.S. Patent No. 4,788,803).

4. Regarding claim 16, Pascoe discloses a prefabricated house, comprising: a peripheral wall formed by assembling a plurality of peripheral wall structural members (12, 14, 16, 18), and a roof formed by assembling a plurality of roof structural members (32, 34, 36, 38), which is placed on top of the peripheral wall, wherein interlocking portions (108, 110; Fig. 12) are formed at side end surfaces on both sides of each of the peripheral wall structural members and the peripheral wall structural members are bonded to each other by fitting interlocking portions facing opposite each other, each of the roof structural members is configured so that an upper end of each of the roof structural members forms an opening (82, Fig. 7) at a top of the roof when the roof structural members are assembled together, and a lower end of each of the roof structural members forms an interlocking portion interlocked with an upper end of one of

Art Unit: 3633

the peripheral wall structural members (Fig. 10), and each of the peripheral wall structural members is configured so that the upper end of each of the peripheral wall structural members forms an interlocking portion interlocked with the interlocking portion formed at the lower end of one of the roof structural members (Fig. 10), and a lower end of each of the peripheral wall structural members (approximate 64, Fig. 13) forms an interlocking portion interlocked with an interlocking portion formed at a foundation (44). Pascoe fails to distinctly disclose interlocking portions being formed at side end surfaces on both sides of each of the roof structural members and bonding each of the roof members to each other by fitting interlocking portions facing opposite the other, as well as fail to disclose the house being resin and comprising styrene foam structural members. However, Seitz teaches that it is known to have a prefabricated resin house comprising of a plurality of interlocking roof styrene structural members (18, Fig. 1; Col. 1, lines 6-34) having interlocking portions being formed at side end surfaces on both sides of each of the roof structural members and bonding each of the roof members to each other by fitting interlocking portions facing opposite the other. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the house disclosed by Pascoe with the roof members as taught by Seitz to help reduce the cost of the building structure and to be able to quickly and easily replace individual members of the roof when necessary. Further, by having the locking features on the panels, the panels will fit together in a sealing manner.

Art Unit: 3633

5. Regarding claim 17, Pascoe further discloses the peripheral wall structural members being bonded with the roof structural members by fitting interlocking portions facing opposite each other (approximate 62, Fig. 10).

6. Regarding claim 27, Pascoe further discloses a position of each of the peripheral wall structural members being determined by making the lower end of each of the peripheral wall structural member contact with a member (approximate 108") disposed at the foundation (Fig. 13).

7. Regarding claim 28, Pascoe further discloses a recessed interlocking portion (110") being formed at a bottom surface of the lower end of each of the peripheral wall structural members, and each of the peripheral wall structural members is fixed by engaging the recessed interlocking portion onto a positioning member (108") disposed at the interlocking portion of the foundation (Fig. 13).

8. Regarding claim 29, Pascoe further discloses the recessed interlocking portion extends lengthwise direction at the bottom surface of each of the peripheral wall structural members (Col. 8, lines 55-59).

9. Regarding claim 30, Pascoe further discloses the interlocking portion of the upper end of each of the peripheral wall structural members includes a recessed stage (approximate 62) on an internal circumferential side and the interlocking portion of the lower end of each of the roof structural members includes a recessed stage (considered complementary recess approximate 70a') on an external circumferential side. The Examiner considers the recess to be on an "external" side.

Art Unit: 3633

10. Claims 16-17 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO0144593 in view of Seitz (U.S. Patent No. 4,788,803).

11. Regarding claim 16, WO0144593 discloses a prefabricated resin house (Fig. 1), comprising a peripheral wall formed by assembling a plurality of peripheral wall structural members (10-19) comprising styrene foam; and a roof (Considered upper portion of the peripheral structural members) comprising styrene foam, wherein: interlocking portions (approximate DD and DE, Fig. 4) are formed at side end surfaces on both sides of each of the peripheral wall structural members and the peripheral wall structural members are bonded to each other by fitting interlocking portions facing opposite each other (Fig. 4), each of the roof structural members is configured so that an upper end of each of the roof structural members forms an opening (DR, Fig. 4) at a top of the roof when the roof structural members are assembled together, and a lower end (approximate DB) of each of the peripheral wall structural members forms an interlocking portion interlocked with an interlocking portion formed at a foundation (FL, Fig. 8). WO0144593 does not disclose the roof being formed by assembling a plurality of roof structural members and a lower end of each of the roof structural members forms an interlocking portion interlocked with an upper end of one of the peripheral wall structural members, and each of the peripheral wall structural members is configured so that the upper end of each of the peripheral wall structural members forms an interlocking portion interlocked with the interlocking portion formed at the lower end of one of the roof structural members. However, Seitz teaches that it is known to have a prefabricated house comprising of a plurality of interlocking roof structural members (18,

Art Unit: 3633

Fig.1) placed on top of a peripheral wall and having and a lower end of each of the roof structural members forms an interlocking portion interlocked with an upper end of one of the peripheral wall structural members (Fig. 4), and each of the peripheral wall structural members is configured so that the upper end of each of the peripheral wall structural members forms an interlocking portion interlocked with the interlocking portion formed at the lower end of one of the roof structural members (Fig. 4). It would have been obvious to one having ordinary skill in the art to have modified the house disclosed by WO0144593 with the roof members as taught by Seitz to be able to quickly and easily replace individual members of the roof when necessary. The combination would result in a prefabricated house having interlocking portions that are formed at side end surfaces on both sides of each of the roof structural members and the roof structural members are bonded to each other by fitting interlocking portions facing opposite each other; and a frame achieving a strengthening member of a prefabricated house is not provided.

12. Regarding claim 17, WO0144593 in view of Seitz further discloses interlocking portions that are formed at upper (Fig. 4, Seitz) and lower (Fig.8, WO01144593) end surfaces of the peripheral wall structural members and upper and lower end surfaces of the roof structural members, and the peripheral wall structural members are bonded with each other and the roof structural members are bonded with each other by fitting interlocking portions facing opposite each other.

13. Regarding claim 27, WO0144593 further discloses a position of each of the peripheral wall structural members being determined by making the lower end of each

Art Unit: 3633

of the peripheral wall structural member contact with a member disposed at the foundation (Fig. 8).

14. Regarding claim 28, WO0144593 further discloses a recessed interlocking portion (above DB) being formed at a bottom surface of the lower end of each of the peripheral wall structural members, and each of the peripheral wall structural members is fixed by engaging the recessed interlocking portion onto a positioning member (considered the portion of FL engaging the recess) disposed at the interlocking portion of the foundation (Fig. 8).

15. Regarding claim 29, WO0144593 further discloses the recessed interlocking portion extends lengthwise direction at the bottom surface of each of the peripheral wall structural members (Fig. 9).

16. Regarding claim 30, WO0144593 in view of Seitz further discloses the interlocking portion of the upper end of each of the peripheral wall structural members includes a recessed stage (approximate 32, Fig. 4) on an internal circumferential side and the interlocking portion of the lower end of each of the roof structural members includes a recessed stage (considered complementary recess approximate 32) on an external circumferential side. The Examiner considers the recess to be on an "external" side.

Response to Arguments

17. Applicant's arguments filed 9/7/2010 pertaining to rejection of WO0144593 in view of Seitz have been fully considered but they are not persuasive. Applicant argues that the combination of WO0144593 and Seitz would not have rendered obvious all of

Art Unit: 3633

the features recited in independent claim 16 because the dome structure do not have an opening at the top of the roof or the claimed interlocking portions at the lower end of each of the roof structural members, upper end of the peripheral wall structural members and lower end of the peripheral wall structural members as recited.

18. In response Applicant's argument, Examiner respectfully disagrees. As stated above, WO0144593 discloses an opening at the top of the roof to accommodate the "roof cap" as illustrated in Fig. 4 and 9, which occupies the opening. Also, the Examiner contends that combination of WO0144593 and Seitz teaches interlocking portions both at the upper end of the peripheral wall and lower end of the roof structural members as illustrated in Figures 2 and 4 of Seitz and described at Col. 2, lines 7-13). The Examiner maintains that WO0144593 in view of Seitz teaches the claimed invention.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3633

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633

/James J Buckle Jr/
Examiner, Art Unit 3633